



**COUNCIL CHAMBERS**  
17555 PEAK AVENUE MORGAN HILL, CALIFORNIA 95037

**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Mark Grzan, Mayor Pro Tempore  
Larry Carr, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**WEDNESDAY, APRIL 12, 2006**

**AGENDA**

**CITY COUNCIL SPECIAL MEETING**

**6:00 P.M.**

*A Special Meeting of the City Council is called at 6:00 P.M. for the Purpose of Conducting Closed Sessions and at 7:00 P.M. to Conduct City Business.*

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**Dennis Kennedy, Mayor**

**CALL TO ORDER**  
(Mayor Kennedy)

**ROLL CALL ATTENDANCE**  
(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**  
Per Government Code 54954.2  
(City Clerk Torrez)

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**OPPORTUNITY FOR PUBLIC COMMENT**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL.**

**6:00 P.M.**

***City Council Action***

**CLOSED SESSION:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 1

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

## ***City Council Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
<b>1.</b>	<b>90 Minutes</b>	<b><u>ISLAND ANNEXATION PROJECT: PARCEL PREZONINGS AND INITIATION OF ANNEXATION OF UNINCORPORATED ISLANDS</u>.....</b>	<b>5</b>
		ISLAND #1: ANX-05-01; ZA-05-17: City of Morgan Hill - Tilton & Hale	
		ISLAND #2: ANX-05-02; ZA-05-18: City of Morgan Hill -East of Hale	
		ISLAND #3: ANX-05-03; ZA-05-19: City of Morgan Hill - Teresa & Sabini	
		ISLAND #5: ANX-05-05; ZA-05-21: City of Morgan Hill - Cochrane & Mission View	
		ISLAND #6: ANX-05-06; ZA-05-22: City of Morgan Hill - Cochrane & Peet	
		ISLAND #7: ANX-05-07: City of Morgan Hill - Diana & Hill (El Dorado III)	
		ISLAND #8: ANX-05-08; ZA-05-32: City of Morgan Hill - US Hwy 101 & Condit	
		ISLAND #9: ANX-05-09: City of Morgan Hill - E. Dunne-Wong	
		ISLAND #10: ANX-05-10: City of Morgan Hill - Murphy	
		ISLAND #11: ANX-05-11; ZA-05-33: City of Morgan Hill - Condit & Murphy	
		ISLAND #12: ANX-05-12: City of Morgan Hill - Dewitt	
		ISLAND #13: ANX-05-13; ZA-05-23: City of Morgan Hill - Tennant & Railroad	
		ISLAND #14: ANX-05-14: City of Morgan Hill - Monterey	
		ISLAND #16: ANX-05-16: City of Morgan Hill - Diana & Jasmine	
		ISLAND #17: ANX-05-17; ZA-05-35: City of Morgan Hill - W. Edmundson & Piazza	
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Prezoning/Rezoning Ordinances for Islands 1, 2, 3, 5, 6, 8, 11, 13, 17.	
		Action- <b><u>Motion to Introduce</u></b> Prezoning/Rezoning Ordinances for Islands 1, 2, 3, 5, 6, 8, 11, 13, 17 by Title Only. (Roll Call Vote)	
		Action- <b><u>Adopt</u></b> Resolution to Initiate Annexation Pursuant to Government Code Section 56375.3 for Islands 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17.	
		Action- <b><u>Set May 24, 2006</u></b> as the date for the Second Public Hearing for Proposed Annexations, and Final Adoption of Prezoning/Rezoning Ordinances.	

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**

**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.



# **CITY COUNCIL STAFF REPORT**

## **SPECIAL MEETING DATE: April 12, 2006**

Agenda Item # 1

Prepared By:

Community  
Development  
Director

Submitted By:

City Manager

### **ISLANDS ANNEXATION PROJECT: PARCEL PREZONINGS AND INITIATION OF ANNEXATION OF UNINCORPORATED ISLANDS**

**ISLAND #1:** ANX-05-01; ZA-05-17 *City of Morgan Hill - Tilton & Hale*  
**ISLAND #2:** ANX-05-02; ZA-05-18 *City of Morgan Hill -East of Hale*  
**ISLAND #3:** ANX-05-03; ZA-05-19 *City of Morgan Hill - Teresa & Sabini*  
**ISLAND #5:** ANX-05-05; ZA-05-21 *City of Morgan Hill - Cochrane & Mission View*  
**ISLAND #6:** ANX-05-06; ZA-05-22 *City of Morgan Hill - Cochrane & Peet*  
**ISLAND #7:** ANX-05-07 *City of Morgan Hill - Diana & Hill (El Dorado III)*  
**ISLAND #8:** ANX-05-08; ZA-05-32 *City of Morgan Hill - US Hwy 101 & Condit*  
**ISLAND #9:** ANX-05-09 *City of Morgan Hill - E. Dunne-Wong*  
**ISLAND #10:** ANX-05-10 *City of Morgan Hill - Murphy*  
**ISLAND #11:** ANX-05-11; ZA-05-33 *City of Morgan Hill - Condit & Murphy*  
**ISLAND #12:** ANX-05-12 *City of Morgan Hill - Dewitt*  
**ISLAND #13:** ANX-05-13; ZA-05-23 *City of Morgan Hill - Tennant & Railroad*  
**ISLAND #14:** ANX-05-14 *City of Morgan Hill - Monterey*  
**ISLAND #16:** ANX-05-16 *City of Morgan Hill - Diana & Jasmine*  
**ISLAND #17:** ANX-05-17; ZA-05-35 *City of Morgan Hill - W. Edmundson & Piazza*

### **RECOMMENDED ACTION(S):**

1. Open/Close Public Hearing
2. Waive the First & Second Readings of Rezoning/Rezoning Ordinances for Islands 1, 2, 3, 5, 6, 8, 11, 13, 17
3. Introduce Rezoning/Rezoning Ordinances for specified parcels within Islands 1, 2, 3, 5, 6, 8, 11, 13, 14, 17
4. Adopt Resolution to Initiate Annexation pursuant to Government Code Section 56375.3 for Islands 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17
5. Set May 24, 2006 as the date for the Second Public Hearing for Proposed Annexations and Final Adoption of Rezoning/Rezoning Ordinances


**EXECUTIVE SUMMARY:** The City of Morgan Hill is proposing to prezone and annex parcels that are within “unincorporated islands” as defined by the Santa Clara County Local Agency Formation Commission (LAFCO). These are properties that are located within the City’s Sphere of Influence, are already within the city’s Urban Service Area (USA), and are substantially surrounded by properties located within the city limits of Morgan Hill. The prezonings and annexations are collectively termed the “Islands Annexation Project”, and the recommended prezonings are consistent with the existing General Plan designations of the island parcels. The State Legislature has adopted special legislation that allows unincorporated islands of less than 150 acres in size to be annexed under a streamlined approach, which does not involve a formal protest proceeding or elections by affected property owners, but which does involve public hearings. For Island #8, a Negative Declaration adopted in October 2005 provides CEQA compliance. For the other islands, the General Plan Master EIR (MEIR) provides CEQA compliance, as prezonings and annexations of lands were described as subsequent projects that were within the scope of the MEIR and appropriate procedures have been followed which enables use of the MEIR.

Certain islands have already been prezoned, as described on the attached summary table. On March 21, 2006 the Planning Commission held a public hearing to consider prezonings for the islands that had not yet been prezoned. The Planning Commission recommendations are reflected on the attached table. Measure C exempted the population of Island #7 (141 people) from the cap; 74 people is the estimated population from the other 24 homes. To the extent that the existing home and structures are inconsistent with city zoning regulations (such as with setbacks of structure from property lines), such will be “grandfathered in” and the structures would be considered legal non-conforming. Code compliance as necessary would occur upon complaint or awareness of life/safety issues. Annexation will not trigger a requirement to install curb, gutter and sidewalk; if the property is developed in the future that is the time when the development would be required to connect to city infrastructure and supply frontage improvements to city standards.

**FISCAL/RESOURCE IMPACT:** The total assessed value of the islands proposed for annexation (not including Holiday Lakes Estates) is \$35,893,938. If Morgan Hill receives the typical average of 10% of the 1% property tax (the County is in the process of confirming this), then revenue of \$35,894 can be anticipated.



0 750 1,500 3,000 4,500 6,000 Feet

 City Boundary

 Areas Proposed for Annexation



## City of Morgan Hill Unincorporated Islands: Parcel Pre-Zoning and Annexation

### Overview Map



## **ISLAND #1      ANX-05-01; ZA-05-17: TILTON & HALE**

Island #1 is a 2.6-acre area containing 4 parcels, located at Tilton and Hale Avenues. The zoning amendment consists of prezoning APNs 764-09-002, -003, and -004 to the “Single Family R-1-12,000” zoning district, consistent with the existing city General Plan designation of Single Family Low 1-3 units per acre; and prezoning APN 764-09-015 to the “Public Facilities” zoning district, consistent with the existing city General Plan designation of Public Facilities.

### **DISCUSSION**

Characteristics for each of the parcels proposed to be prezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
764-09-002	Single Family R-1-12,000	12,900 sf	Single Family Residential
764-09-003	Single Family R-1-12,000	37,462 sf	Single Family Residential
764-09-004	Single Family R-1-12,000	33,977 sf	Single Family Residential
764-09-015	PF– Public Facilities	1.41 acres net	VTa Park and Ride Lot

Lands to the north and west of this island are located in the unincorporated area and designated “Rural County”. The city’s Urban Growth Boundary is located at the northern and western edges of this island. Parcels to the south are zoned R-2-3,500/RPD, and lands to the east are zoned R-1-12,000. The proposed R-1-12,000 zoning for the residential parcels within this island reflects an appropriate transition between the R-2-3,500 parcels and the R-1-12,000 parcels.

It should be pointed out that Island #1 annexation area connects to Island #2 area via Hale Avenue, and that the full Hale Avenue right of way adjacent to and adjoining Islands #1 and #2 is included within the annexation area.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached prezoning ordinance zoning the parcels as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Prezoning Ordinance
- Exhibit showing Annexation area

**ORDINANCE NO.           , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 1.91 ACRES, FROM COUNTY OF SANTA CLARA EXCLUSIVE AGRICULTURE ZONING A-20 TO SINGLE FAMILY R-1-12,000 FOR APNS 764-09-002, 003 & 004 AND PRE-ZONING .01 ACRES FROM COUNTY OF SANTA CLARA EXCLUSIVE AGRICULTURE ZONING A-20 TO PF, PUBLIC FACILITIES FOR APN 764-09-015 FOR APPLICATION ZA-05-17: CITY OF MORGAN HILL-TILTON & HALE.**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Establish a Single Family R-1-12,000 pre-zoning designation for 1.91 acres of land consisting of three parcels located on the south side of Tilton Ave. approximately 100 ft east of the Hale Ave./Tilton Ave. intersection. The Single Family R-1-12,000 zoning classification shall become effective upon annexation to the City of Morgan Hill.

**SECTION 2.** Establish a Public Facility, PF pre-zoning designation for .01 acres of land for a parcel located on the south east corner of the intersection of Hale Ave. and Tilton Ave. The Public Facility, PF zoning designation shall become effective upon annexation to the City of Morgan Hill.

**SECTION 3. USE OF GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT.** The City Council hereby finds: CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed zoning amendments and annexations that are included in the city's Islands Annexation Project, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Annexation and zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments and annexations are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives into the Island Annexations Project. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments and annexations that are part of the Islands Annexation Project.



**SECTION 4. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled “Exhibit A” being a Part of Ordinance No. , New Series, which gives the boundaries of the described parcels of Land.

**SECTION 5. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 6. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 7. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

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**Irma Torrez, City Clerk**

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**Dennis Kennedy, Mayor**

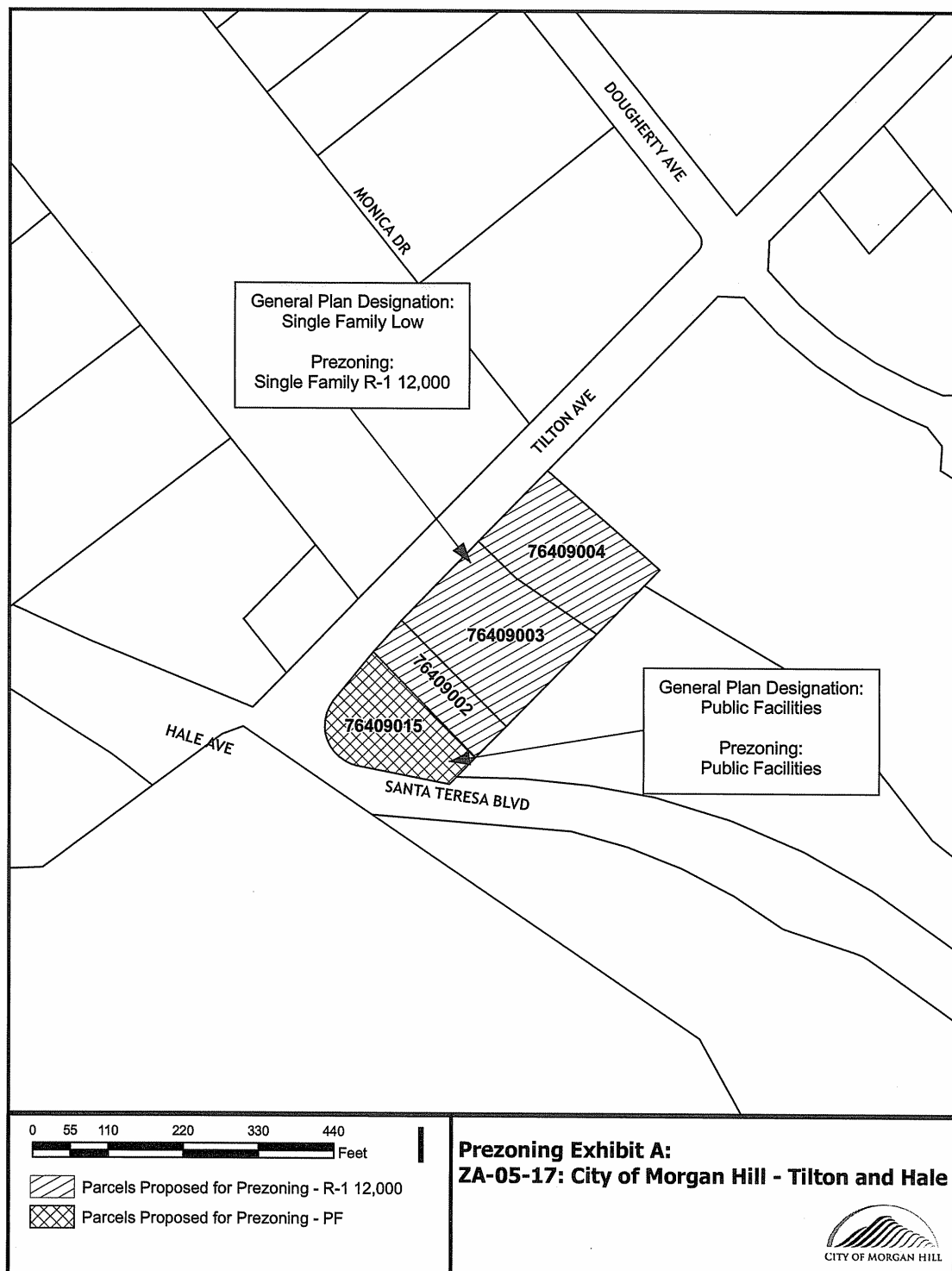
**∞ CERTIFICATE OF THE CITY CLERK ∞**

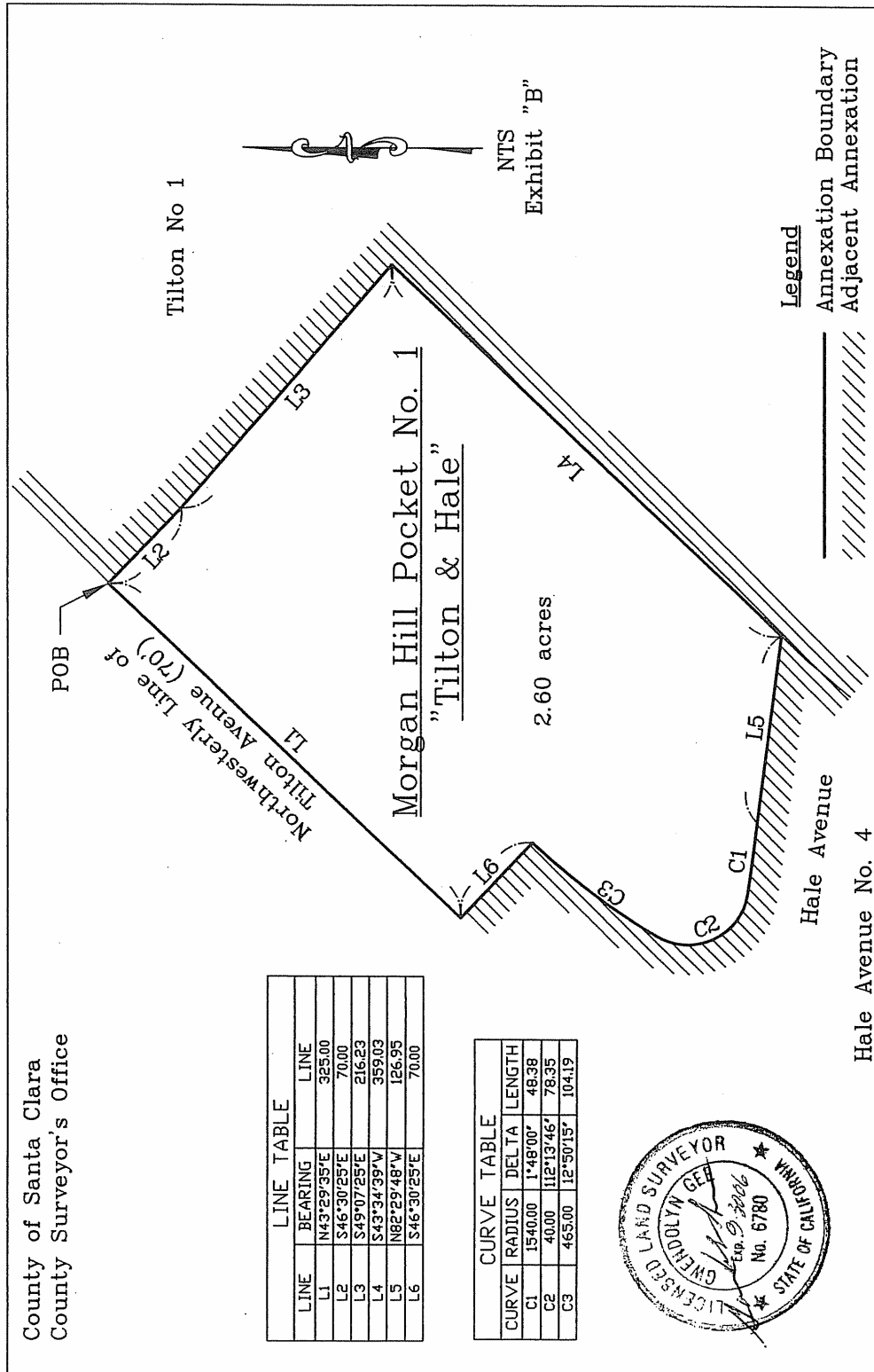
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





## **ISLAND #2      ANX-05-02; ZA--05-18: East of Hale**

Island #2 is a 3.59-acre area containing 5 parcels, located at Hale Avenue and Campoli Drive near the northern terminus of Del Monte Avenue. The zoning amendment consists of rezoning APNs 764-23-017 and 764-24-001, -003, -004 and -005 to the “Single Family R-1-7,000” zoning district, consistent with the existing city General Plan designation of Single Family Medium 3-5 units per acre.

### **DISCUSSION**

Characteristics for each of the parcels proposed to be rezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
764-24-003	Single Family R-1-7,000	1,300 sf	Vacant County land
764-24-004	Single Family R-1-7,000	27,878 sf	Vacant County land
764-24-005	Single Family R-1-7,000	32,234 sf	Single Family Residential
764-23-017	Single Family R-1-7,000	9,580 sf	Single Family Residential
764-24-001	Single Family R-1-7,000	8,275 sf	Unimproved Residential

Lands to the west of these island parcels are located in the unincorporated area but within the city’s Urban Growth Boundary, and are designated “Residential Estate”. Vacant lands to the north are designated Public Facilities and are included in the city’s Urban Service Area and UGB. Lands to the south and east are zoned Single Family R-1-7,000. The proposed R-1-7,000 zoning for the residential parcels within this island reflects an appropriate transitional land use classification to the adjacent lands, and also accommodates existing parcel sizes within the island.

It should be pointed out that Island #1 annexation area connects to Island #2 area via Hale Avenue, and that the full Hale Avenue right of way adjacent to and adjoining Islands #1 and #2 is included within the annexation area.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached rezoning ordinance zoning the parcels as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance
- Exhibit showing Annexation area

**ORDINANCE NO.                      , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 1.85 ACRES, FROM COUNTY OF SANTA CLARA EXCLUSIVE AGRICULTURE ZONING A-20 AND A-~~sr~~ TO SINGLE FAMILY R-1-7,000 FOR APNS 764-23-017 & 764-24-001, 003, 004 & 005 FOR APPLICATION ZA-05-18: CITY OF MORGAN HILL-EAST OF HALE.**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Establish a Single Family R-1-7,000 pre-zoning designation for 1.85 acres of land consisting of five parcels located on the east side of Hale Ave. approximately 100 ft north of the Via Loma/Hale Ave. intersection. The Single Family R-1-7,000 zoning classification shall become effective upon annexation to the City of Morgan Hill.

**SECTION 2. USE OF GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT.** The City Council hereby finds: CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed zoning amendments and annexations that are included in the city's Islands Annexation Project, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Annexation and zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments and annexations are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives into the Island Annexations Project. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments and annexations that are part of the Islands Annexation Project.

**SECTION 3. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Exhibit A" map being a Part of **Ordinance No.**, New Series, which gives the boundaries of the described parcels of Land.

**SECTION 4. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and

general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 5. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

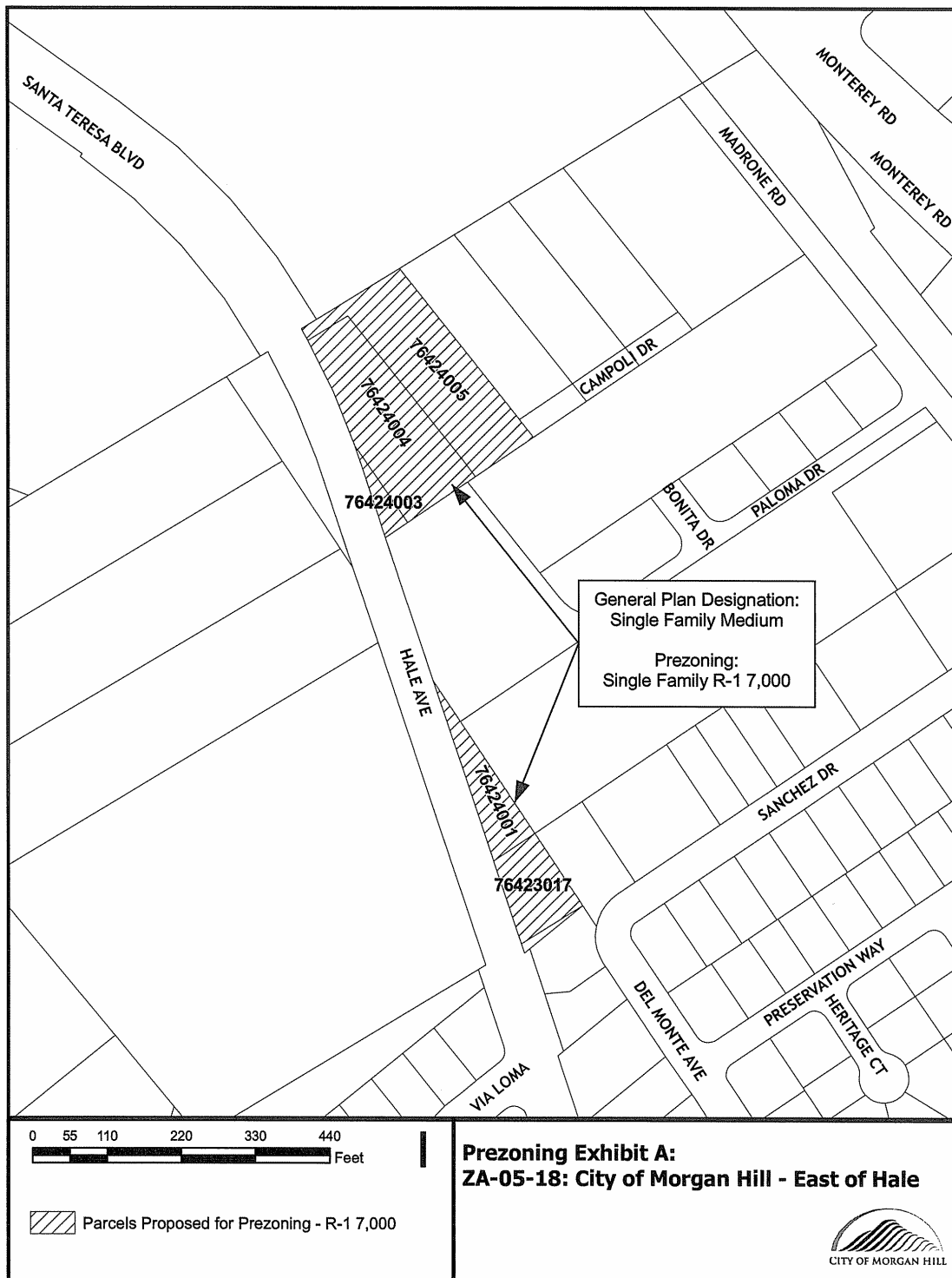
∞ **CERTIFICATE OF THE CITY CLERK** ∞

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

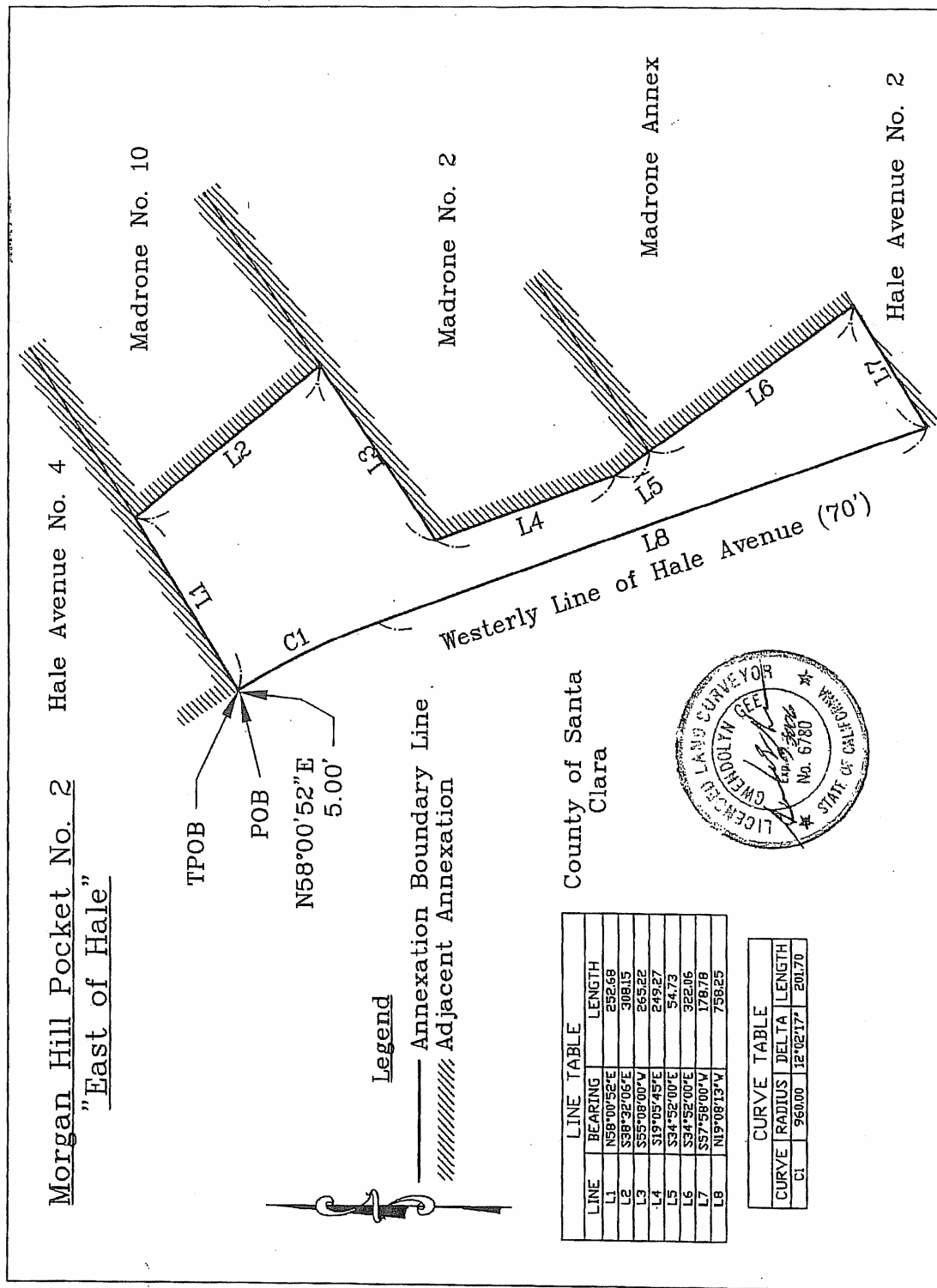
**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**







## **ISLAND #3      ZA-05-19: TERESA & SABINI**

Island #3 is a 17.86-acre area containing 5 parcels located Llagas Road/Teresa Lane and Sabini Court. The zoning amendment consists of rezoning APNs 773-32-010, -011, -012, -013 and -014 to the “Residential Estate RE-40,000” zoning district, consistent with the existing city General Plan designation of Residential Estate 0-1 units per acre.

### **DISCUSSION**

Characteristics for each of the parcels proposed to be rezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
773-32-010	Residential Estate RE-40,000	165,528 sf	Single Family Residential
773-32-011	Residential Estate RE-40,000	120,226 sf	Single Family Residential
773-32-012	Residential Estate RE-40,000	149,846 sf	Single Family Residential
773-32-013	Residential Estate RE-40,000	211,266 sf	Single Family Residential
773-32-014	Residential Estate RE-40,000	120,600 sf	Single Family Residential

Lands surrounding the parcels included within this island are designated Residential Estate 0-1 du/acre by the city’s General Plan. Lands to the north, west and part of the east are within the city limits and are zoned RE-40,000 (a minimum lot size of 40,000 square feet). The southerly portion of the lands to the east are not within the city limits and are large lots involving hillsides. Lands to the south of this island are not in the city limits, are designated Rural County, and also involve large lots and hillsides.

Staff had initially suggested the RE-100,000 zoning, which would reflect existing parcel sizes. Public testimony from a property owner supported the RE-40,000 zoning, which is also consistent with the existing General Plan designation. The Planning Commission has recommended rezoning to RE-40,000, and staff has no objection.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached rezoning ordinance zoning the parcels as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance
- Exhibit showing Annexation area

**ORDINANCE NO.           , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MORGAN HILL PRE-ZONING 17.62 ACRES, FROM COUNTY  
HILLSIDE HS TO RESIDENTIAL ESTATE RE 40,000 FOR  
APNS 773-32-010, 011, 012, 013 & 014 FOR APPLICATION ZA-  
05-19: CITY OF MORGAN HILL-TERESA & SABINI**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS  
FOLLOWS:**

**SECTION 1.** Establish a Residential Estate RE 40,000 pre-zoning classification for 17.62 acres of land consisting of five parcels located on the side south side of Teresa Lane along the east side of Sabini Court. The RE 40,000 zoning classification shall become effective upon annexation to the City of Morgan Hill.

**SECTION 2. USE OF GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT.**

The City Council hereby finds: CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed zoning amendments and annexations that are included in the city's Islands Annexation Project, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Annexation and zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments and annexations are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives into the Island Annexations Project. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments and annexations that are part of the Islands Annexation Project.

**SECTION 3. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Exhibit A" being a Part of Ordinance No.           , New Series, which gives the boundaries of the described parcels of Land.

**SECTION 4. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein

described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 5. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

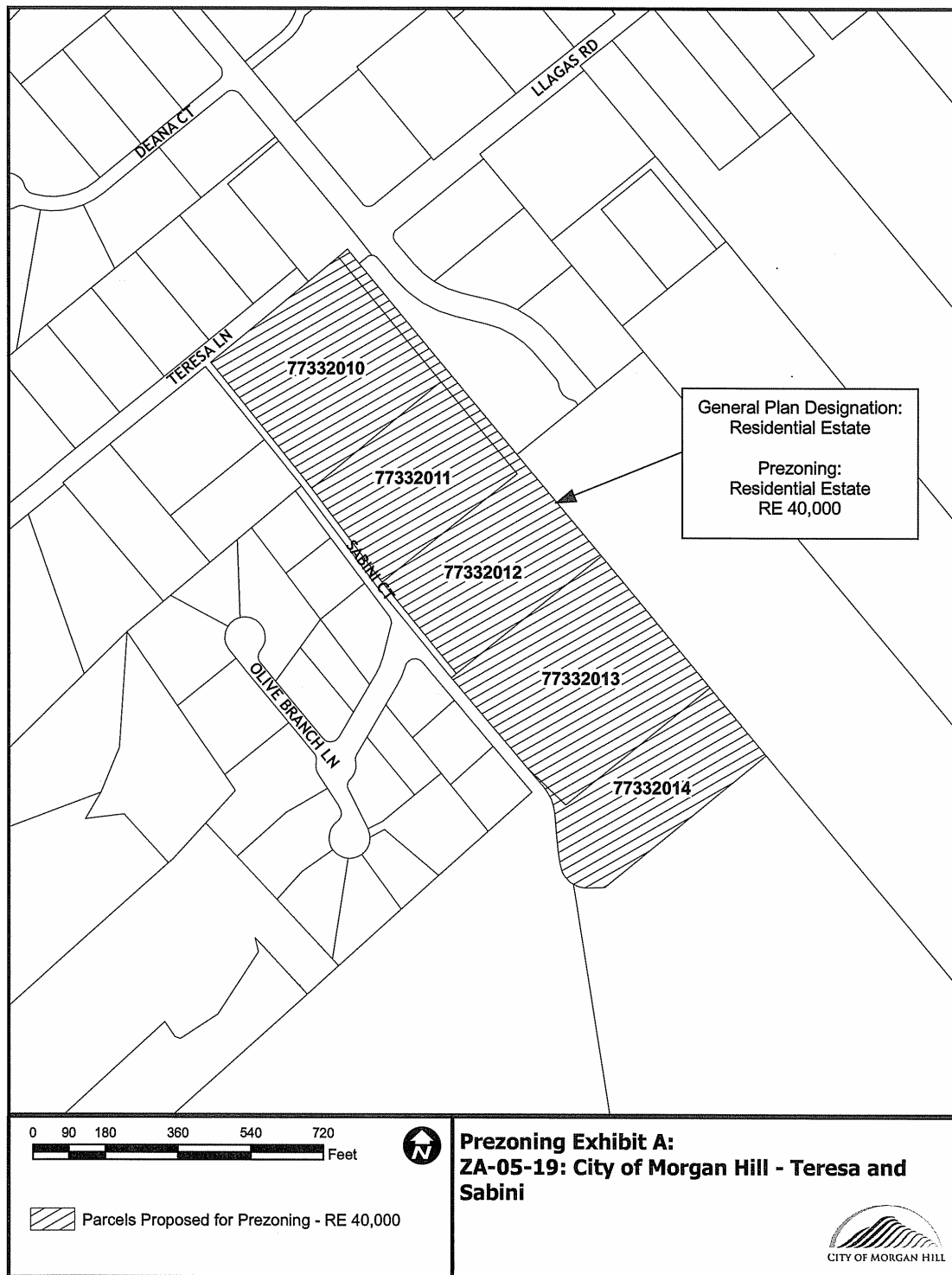
**∞ CERTIFICATE OF THE CITY CLERK ∞**

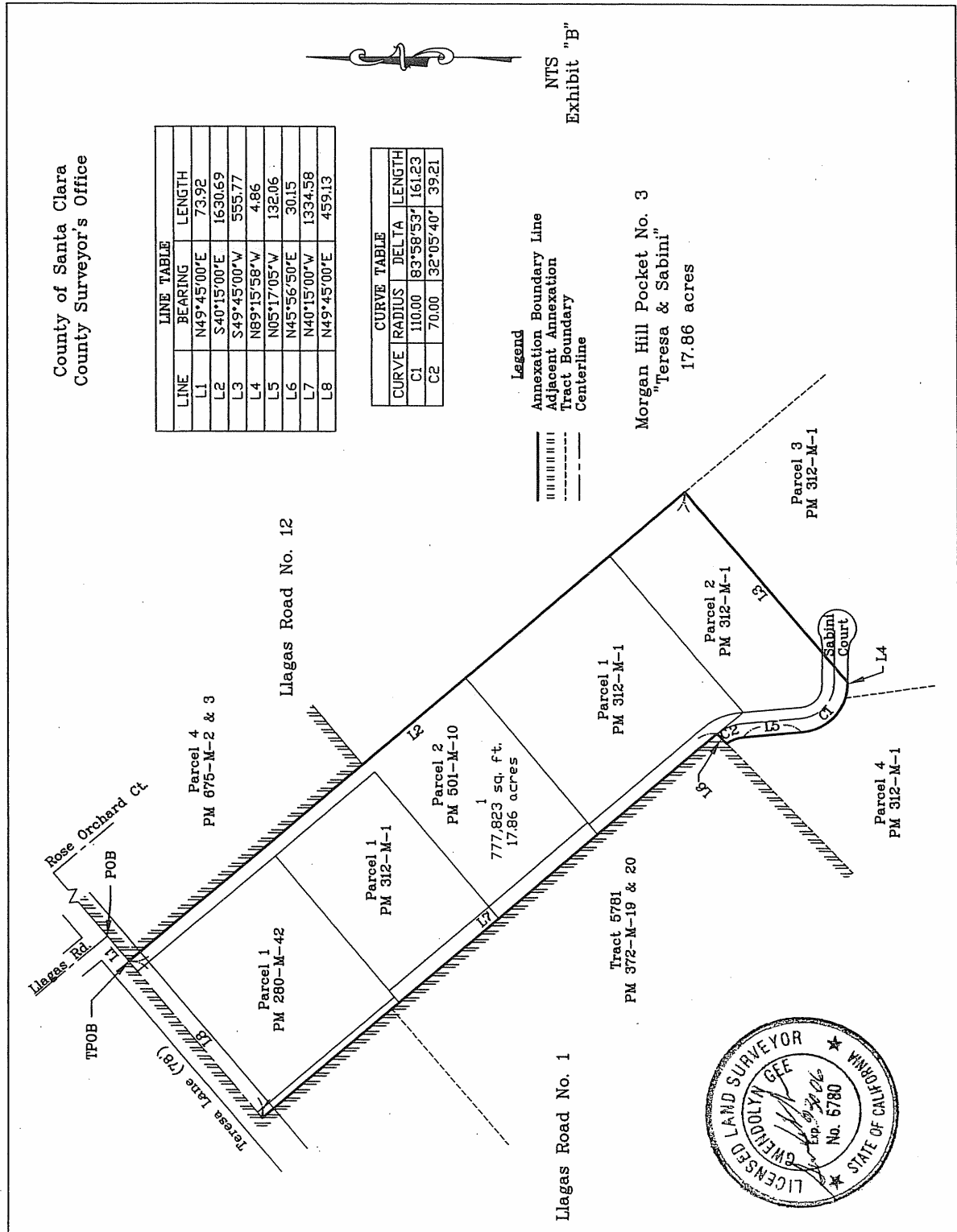
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





## **ISLAND #5      ANX-05-05; ZA-05-21: Cochrane & Mission View**

Island #5 is a 54.92-acre area containing 3 parcels located at Cochrane Road and Mission View. The zoning amendment consists of rezoning APN 728-36-006, as well rezoning APN 728-36-011 (an adjacent 1.65-acre parcel already within the city limits located in at the corner of Cochrane and Mission View), to the “Single Family R-1-7,000” zoning district; and rezoning APNs 728-36-007 and -008 to the “Single Family R-1-9,000” zoning district. These zonings are consistent with the existing General Plan designation of Single Family Medium 3-5 units per acre.

### **DISCUSSION**

Characteristics for each of the parcels proposed to be rezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
728-36-006	Single Family R-1-7,000	18.30 acres; 797,148 sf	Vacant
728-36-011	Single Family R-1-7,000	1.65 acres; 71,875 sf	Vacant
728-36-007	Single Family R-1-9,000	18.30 acres; 797,148 sf	Vacant
728-36-008	Single Family R-1-9,000	18.30 acres; 797,148 sf	Vacant & SFR

Both Islands #5 and #6, which are designated for residential uses and are proposed for residential zoning, are located within the Cochrane Road Assessment District (CRAD). The City is subject to a court order which requires annexation of CRAD parcels upon the request of the property owner. As the property owners have requested annexation as part of the city’s unincorporated islands annexation project, the City must annex the islands at this time. However, annexation does not mean that development will necessarily occur in the near term. The court order also provides that these Islands #5 and #6 are subject to the city’s Residential Density Control System. The City has already awarded residential building allotments through the 2009/10 year, therefore the earliest that these parcels could even attempt to compete for allotments would be for the 2010/11 year.

APNs 728-36-006 and -011 will be located along the extension of Mission View Drive, just to the east of the approved Cochrane-101 sub-regional shopping center. The proposed zoning that is consistent with the existing GP Single Family Medium land use classification is R-1-7,000. This zoning classification allows for a 75% reduction in minimum lot size (to 5,250 square feet per lot) for 25% of the lots within subdivisions that are processed as a Residential Planned Development (RPD). It should be noted that APN 728-36-011 is already located within the city (at the corner of Cochrane and future Mission View), and is being rezoned (rather than rezoned) from its existing R-1-9,000 classification to the R-1-7,000 district.

The other two parcels are proposed to be rezoned to R-1-9,000 which is consistent with the existing GP designation of Single Family Medium, and also provides an appropriate “feathering” transition between the above-recommended R-1-7,000 and the existing R-1-12,000 zoning to the west (which is an existing subdivision developed at the R-1-12,000 density).

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached rezoning ordinance zoning the parcels as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance
- Exhibit showing Annexation area

**ORDINANCE NO.           , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 36.60 ACRES, FROM COUNTY GENERAL USE A1-2.5 TO SINGLE FAMILY R-1 9,000 FOR APNS 728-36-007 & 008, PRE-ZONING 18.30 ACRES FROM COUNTY GENERAL USE A1-2.5 TO SINGLE FAMILY R-1 7,000 FOR APN 728-36-006 AND REZONING 1.65 ACRES FROM SINGLE FAMILY R-1 9,000 TO SINGLE FAMILY R-1 7,000 FOR APN 728-36-011 AS CONTAINED IN APPLICATION ZA-05-21: CITY OF MORGAN HILL-COCHRANE AND MISSION VIEW.**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Establish a Single Family R-1 9,000 pre-zoning designation on 36.60 acres of land consisting of two parcels located on the north side of Cochrane Rd. approximately 350 ft. east of the Mission View Rd. and Cochrane Rd. intersection. The R-1 9,000 zoning classification shall become effective upon annexation to the City of Morgan Hill.

**SECTION 2.** Establish a Single Family R-1 7,000 pre-zoning designation on 18.30 acres of land consisting of one parcel located on the north side of Cochrane Rd. across from the Mission View Rd. and Cochrane Rd. intersection. The R-1 7,000 zoning classification shall become effective upon annexation to the City of Morgan Hill.

**SECTION 3.** The Council hereby re-designates 1.65 acres from Single Family R-1 9,000 to Single Family R-1 7,000.

**SECTION 4. USE OF GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT.** The City Council hereby finds: CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed zoning amendments and annexations that are included in the city's Islands Annexation Project, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Annexation and zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments and annexations are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives into the Island Annexations Project. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments and annexations that are part of the Islands Annexation Project.



**SECTION 5. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled “Exhibit A” being a part of Ordinance No. , New Series, which gives the boundaries of the described parcels of Land.

**SECTION 6. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 5. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

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**Irma Torrez, City Clerk**

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**Dennis Kennedy, Mayor**

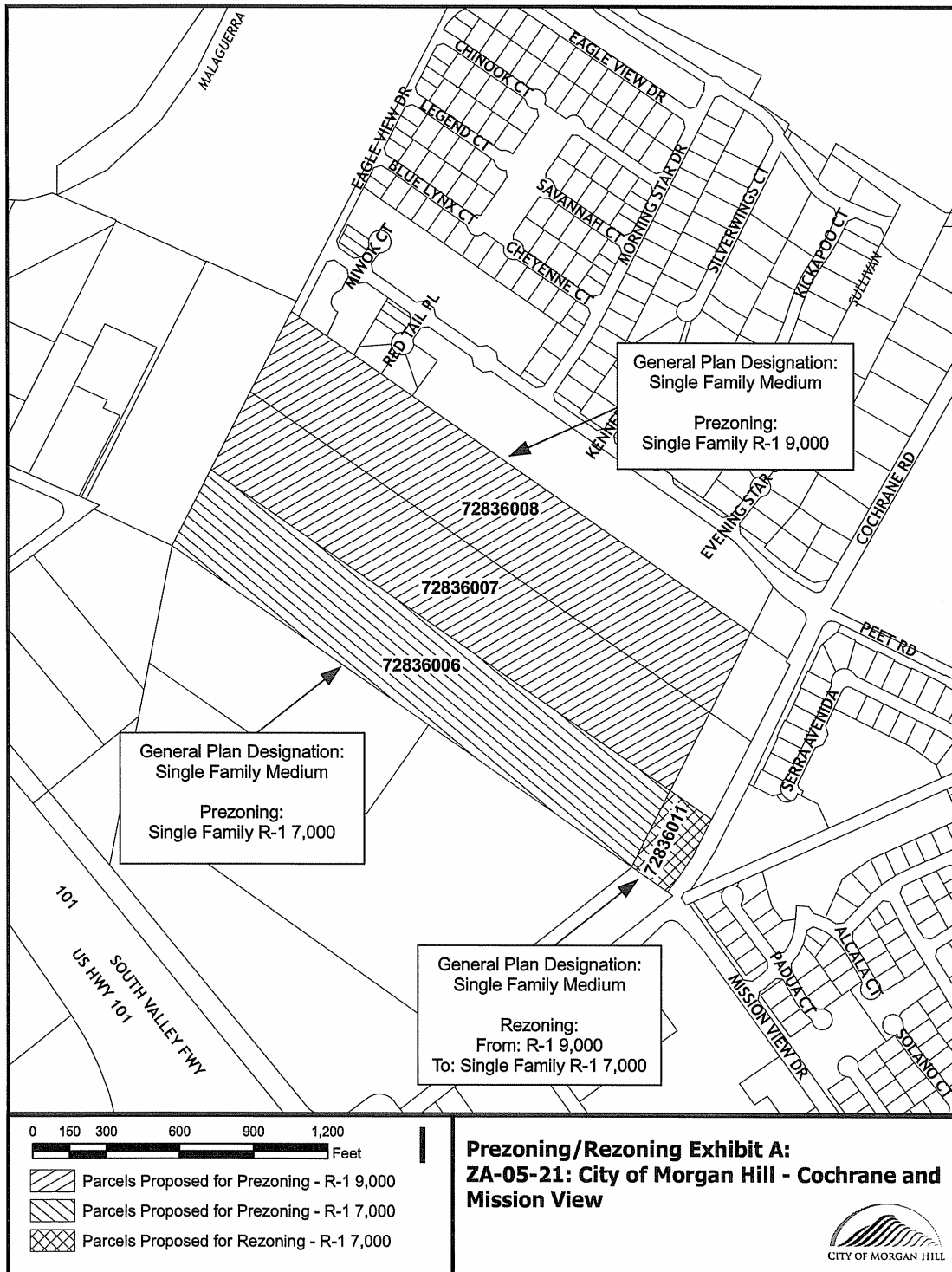
**∞ CERTIFICATE OF THE CITY CLERK ∞**

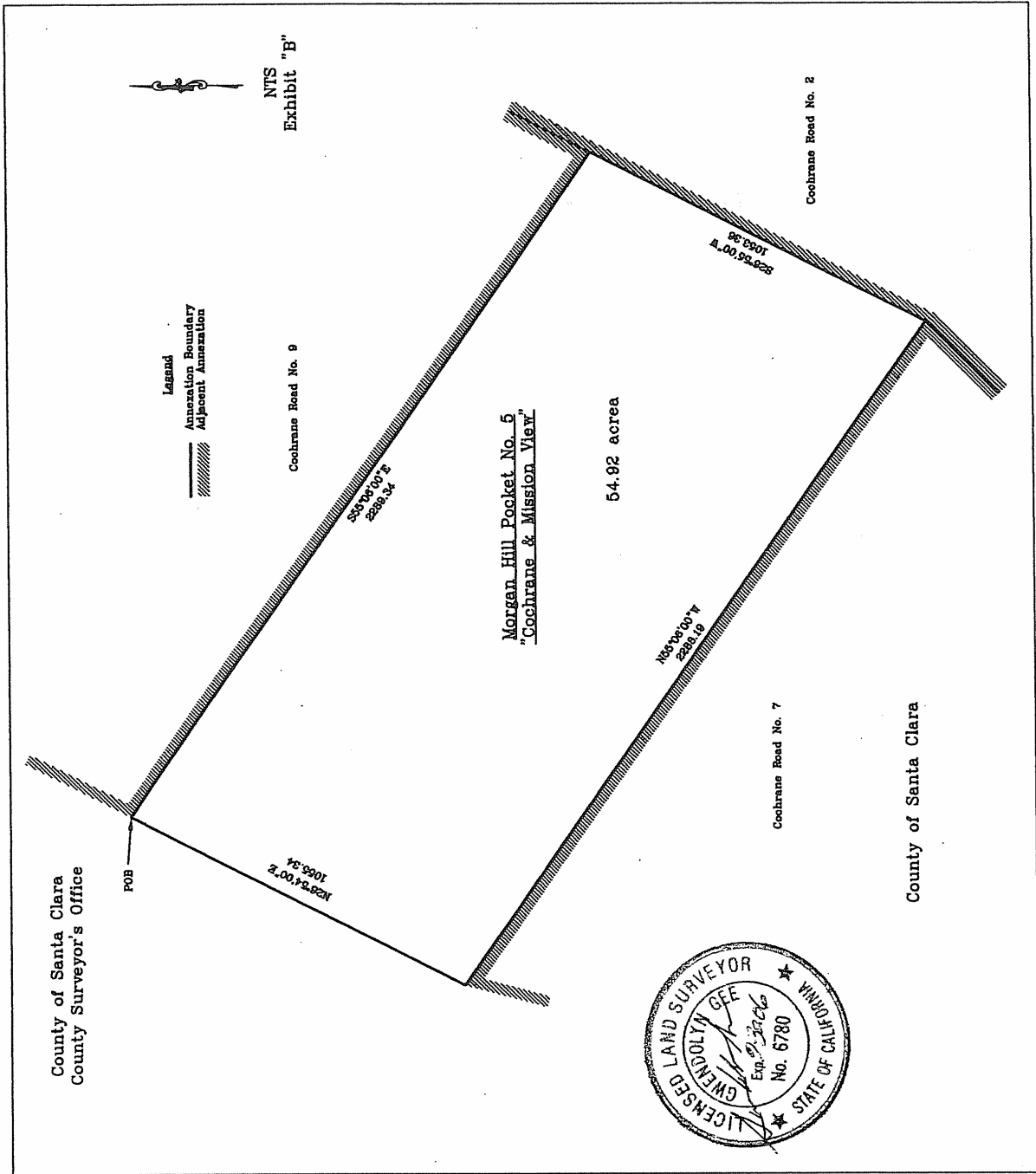
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





## **ISLAND #6      ANX-05-06; ZA-05-22: Cochrane & Peet**

Island #6 is a 141.99-acre area containing 3 parcels located at Cochrane and Peet Roads. The zoning amendment consists of rezoning APNs 728-34-001 and -008 to the “Public Facilities” zoning district, consistent with the existing city General Plan designation of Public Facilities; and rezoning APN 728-34-009 to three different Single Family Residential density classifications, each with the RPD Overlay, consistent with existing city General Plan designation of Single Family Low 1-3 units per acre:

Single Family R-1-12,000/RPD (34.77 acres)

Single Family R-1-20,000/RPD (45.03 acres)

Residential Estate RE-40,000/RPD (41.51 acres)

### **DISCUSSION**

Characteristics for each of the parcels proposed to be rezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
728-34-001	PF Public Facilities	10.27 acres; 447,361 sf	SCVWD facilities
728-34-008	PF Public Facilities	8.23 acres; 358,499 sf	SCVWD facilities
728-34-009	RE-40,000/RPD 41.51 acres; R-1-20,000/RPD 45-03 acres; R-1-12,000/RPD 34.77 acres Vacant; Orchards		

Both Islands #5 and #6, which are designated for residential uses and are proposed for residential zoning, are located within the Cochrane Road Assessment District (CRAD). The City is subject to a court order which requires annexation of CRAD parcels upon the request of the property owner. As the property owners have requested annexation as part of the city’s unincorporated islands annexation project, the City must annex the islands at this time. However, annexation does not mean that development will necessarily occur in the near term. The court order also provides that these Islands #5 and #6 are subject to the city’s Residential Density Control System. The City has already awarded residential building allotments through the 2009/10 year, therefore the earliest that these parcels could even attempt to compete for allotments would be for the 2010/11 year.

Two of the parcels are appropriate for Public Facility zoning, in that they are used for SCVWD facilities. The third and largest portion of the island is almost 123 acres. It is recommended that that parcel be given three zoning classification, in order to implement General Plan “land use density feathering” policies.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached rezoning ordinance zoning the parcels as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance
- Exhibit showing Annexation area

**ORDINANCE NO.           , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 18.5 ACRES, FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO PUBLIC FACILITIES FOR APNS 728-34-001 & 008, PRE-ZONING A 34.7 ACRE PORTION OF APN 728-34-006 FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO SINGLE FAMILY R-1-12,000 RESIDENTIAL PLANNED DEVELOPMENT, PRE-ZONING A 45.03 ACRE PORTION OF APN 728-34-006 FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO SINGLE FAMILY R-1-20,000 RESIDENTIAL PLANNED DEVELOPMENT AND PRE-ZONING THE REMAINING 41.5 ACRES FROM COUNTY EXCLUSIVE AGRICULTURE A-20, TO RESIDENTIAL ESTATE RE 40,000 RESIDENTIAL PLANNED DEVELOPMENT FOR APPLICATION ZA-05-22: CITY OF MORGAN HILL-COCHRANE AND PEET.**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

- SECTION 1.** Establish a Public Facilities PF pre-zone designation for 18.5 acres of land for parcels located on the east side Peet Rd. approximately 1800 ft. north of the Peet Rd. and Half Rd. intersection. The Public Facilities PF, zoning classification shall become effective upon annexation to the City of Morgan Hill.
- SECTION 2.** Establish a Single Family R-1 12,000 Residential Planned Development pre-zone designation for a 34.77 acre portion of land located on the north side of Half Rd., between Peet Rd and Coyote Rd. The Single Family R-1 12,000/RPD, zoning classification shall become effective upon annexation to the City of Morgan Hill.
- SECTION 3.** Establish a Single Family R-1 20,000 Residential Planned Development pre-zone designation for a 45.03 acre portion of land located on the west side of Cochrane Rd., north of Coyote Rd. The Single Family R-1 20,000 RPD, zoning classification shall become effective upon annexation to the City of Morgan Hill.
- SECTION 4.** Establish a Residential Estate 40,000 pre-zone designation for a 41.51 acre portion of land located on the west side of Cochrane Rd., north of Coyote Rd. The Residential Estate 40,000 RPD, zoning classification shall become effective upon annexation to the City of Morgan Hill.
- SECTION 5. USE OF GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT.** The City Council hereby finds: CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the

proposed zoning amendments and annexations that are included in the city's Islands Annexation Project, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Annexation and zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments and annexations are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives into the Island Annexations Project. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments and annexations that are part of the Islands Annexation Project.

**SECTION 6. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Exhibit A" being a Part of Ordinance No. , New Series, which gives the boundaries of the described parcels of Land.

**SECTION 7. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendments established by this ordinance as herein described are compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendments are required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 8. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 9. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

**∞ CERTIFICATE OF THE CITY CLERK ∞**

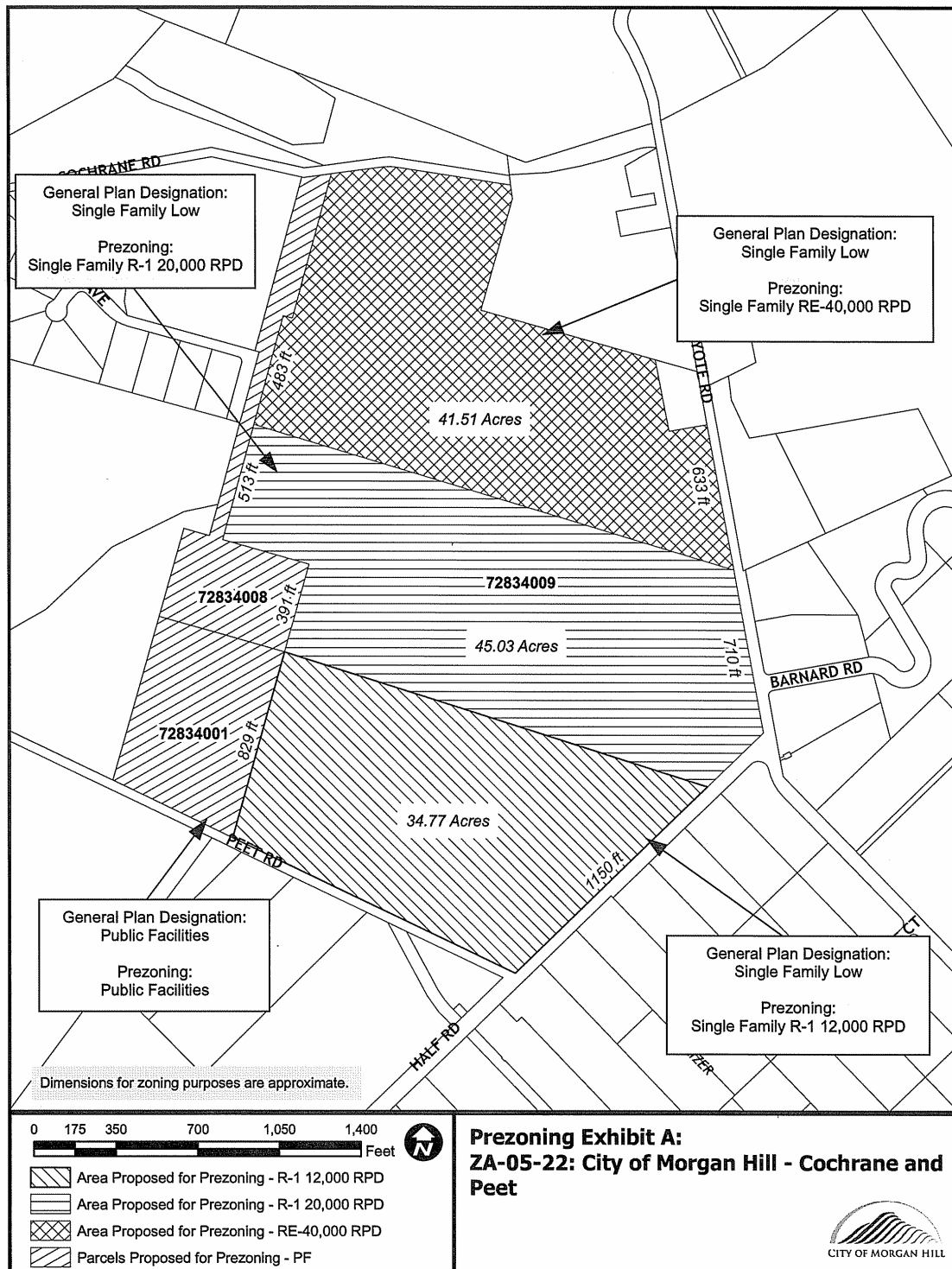
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

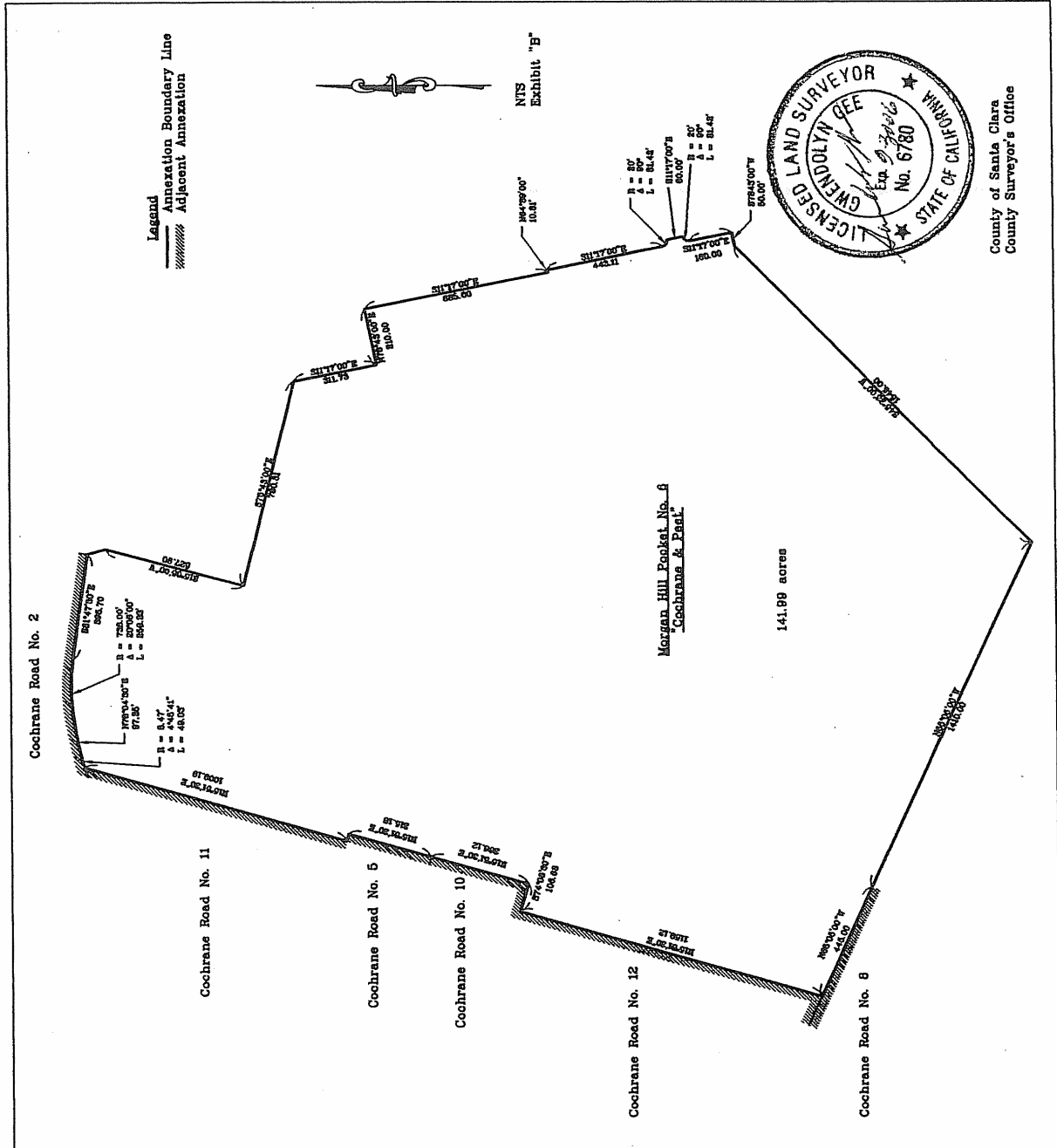
DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





# **Rezoning Exhibit A: ZA-05-22: City of Morgan Hill - Cochrane and Peet**



## **ISLAND #7      ANX-05-07: Diana & Hill (El Dorado III)**

Island #7 is a 23.99 acre area that includes the existing El Dorado III subdivision, containing 46 homes. The area is already rezoned to the Single Family Low Density R-1-12,000 zoning classification, consistent with the existing General Plan land use designation of Single Family Low 1-3 units/acre.

### **DISCUSSION**

Ordinance No. 877 pre-zoning this area was adopted in 1988. The homes are already served with city water and are connected to the sewer system. Measure C anticipated annexation of this area, and “exempted” population from this subdivision (as well as from Holiday Lakes Estates). The estimated population from the subdivision is 141 persons. The streets have not been accepted by a public agency. An association was apparently never created to maintain the landscaped setback along Hill, and the original developer owns the landscape parcels. The developer paid the street lighting bill for many years but then stopped, therefore street lights currently are not lit.

The City Council should consider whether it would accept a dedication of the subdivision streets and landscape parcels along Hill, or would prefer to leave such matters in “status quo” -- to be maintained by the subdivision property owners, which apparently is the present informal (non-Association) approach.

The assessed value of this island is \$22,775,000, which will result in an estimated \$22,775 in property taxes annually to the City of Morgan Hill general fund.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Exhibit showing Annexation Area, including Hill Road section

## **ISLAND #8      ANX-05-08; ZA-05-32**

Island #8 is a 62.34-acre area containing 4 parcels, of which two are already appropriately pre-zoned as Planned Unit Development-Commercial. The zoning amendment consists of rezoning the other 2 parcels, which include a Water District drainage channel (APN 728-17-008) and a City well site (APN 728-17-024), to the “PF Public Facilities” zoning district, consistent with the existing city General Plan designations.

### **DISCUSSION**

Characteristics for each of the parcels proposed to be rezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
728-17-008	PF Public Facilities	6.77 acres	Drainage Channel
728-17-024	PF Public Facilities	2,600 sf	City Well Property

728-17-024 needs Re-Prezoning from PUD

The two other parcels in this island were rezoned in October 2005 to a Planned Unit Development zoning district. At the time, the city’s well site was inadvertently rezoned to that PUD zoning district. It would be more appropriate to zone the well site to Public Facilities. The SCVWD drainage channel is an adjacent parcel. Currently, the drainage channel is designated Open Space, and has no zoning. Staff suggests that it is appropriate for this parcel to have a zoning classification, and believes that the PF zoning district is the most appropriate classification and not inconsistent with the Open Space GP land use designation.

This island also includes a large adjacent portion of Highway 101 adjacent to the island, as shown by the attached annexation exhibit.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached rezoning ordinance zoning the parcels as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance
- Exhibit showing Annexation Area, including extent of Highway 101 included

**ORDINANCE NO.                   , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 6.77ACRES, FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO PUBLIC FACILITIES FOR APN 728-17-008, AND RE-ZONING A .06 ACRE PARCEL FROM PLANNING UNIT DEVELOPMENT PUD, TO PUBLIC FACILITIES PF, FOR APN 728-34-006 FOR APPLICATION ZA-05-32: CITY OF MORGAN HILL-US HWY 101 & CONDIT**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

- SECTION 1.** Establish a Public Facilities PF, pre-zoning designation for 6.77 acres of land located adjacent to the east side of US Highway 101 between E. Dunne Ave. and Diana Avenue. The zoning classification shall become effective upon annexation to the City of Morgan Hill.
- SECTION 2.** Re-zone a .06 acre parcel from Planned Unit Development PUD to Public Facilities located on the south side of Diana Ave. as it terminates on the east side of Highway 101. The zoning classification shall become effective upon annexation to the City of Morgan Hill.
- SECTION 3.** An environmental initial study was previously prepared for this application area as part of previous General Plan amendment and pre-zoning. The anticipated annexation was also covered by the previous negative declaration. The proposed pre-zone designation for the drainage channel and rezoning of the .06 acre water pump site from PUD to Public Facilities does not exceed the findings of the previously adopted negative declaration. The Planning Commission finds that the Negative Declaration filed in association with the previous actions is in substantial compliance with the requirements of California Environmental Quality Act.
- SECTION 4. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled “Exhibit A” being a Part of Ordinance No.                   , New Series, which gives the boundaries of the described parcels of Land.
- SECTION 5. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 6. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 7. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

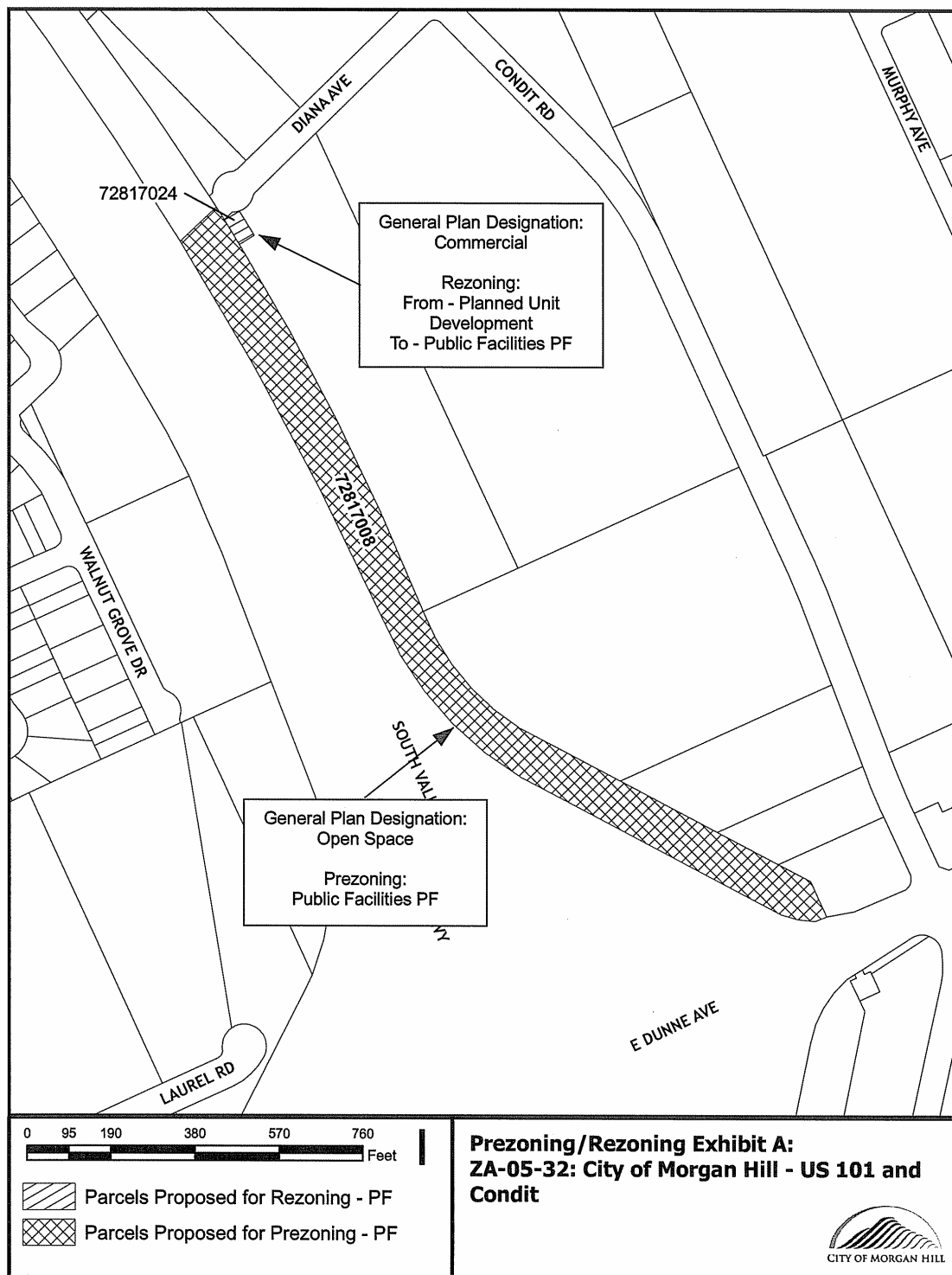
**∞ CERTIFICATE OF THE CITY CLERK ∞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**







## **ISLAND #9 ANX-05-09: E. Dunne - Wong**

Island #9 is a 4.83-acre area containing 1 parcel, which is already rezoned to the R-1-7,000 zoning classification, consistent with the existing Single Family Medium 3-5 du/acre General Plan land use designation.

### **DISCUSSION**

This parcel was rezoned in July 2000, but annexation had not progressed due to lack of progress with certain code compliance considerations. The approach at this point is for the City of Morgan Hill to annex the parcel under the island annexation program, and any required code compliance could be carried out by city staff after annexation, in response to complaints or knowledge of life-safety issues.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENT**

- Exhibit showing Annexation Area

## **ISLAND #10     ANX-05-10: MURPHY**

Island #10 is a 2.34 acre area containing 1 parcel. The parcel was rezoned to the R-1-7,000 zoning classification in June 2000 (Ordinance No. 1479), consistent with the existing General Plan designation of Single Family Medium 3-5 unit per acre.

### **DISCUSSION**

The property is single family residential; city staff is not aware of any objection to the annexation proposal.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENT**

- Exhibit showing Annexation Area

## **ISLAND #11      ANX-05-11; ZA-05-33: Condit & Murphy**

Island #11 is a 18.71-acre area consisting of 2 parcels, located along Condit Road, and bounded by San Pedro and Murphy Avenues. The zoning amendment consists of rezoning APNs 817-12-006 and -009 to the “CG General Commercial” zoning district, consistent with the existing city General Plan designation of Commercial.

### **DISCUSSION**

Characteristics for each of the parcels proposed to be rezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
817-12-006	CG General Commercial	8.85 acres gross; 8.54 acres net	Vacant
817-12-009	CG General Commercial	10.00 acres gross; 9.64 acres net	Vacant

Lands to the north and west of these parcels are designated and zoned Planned Unit Development (Commercial). Lands to the east are designated Residential Estate and are located within the city’s Urban Growth Boundary, but are not within the city’s Urban Services Area. Lands to the south are designated and zoned Public Facilities, and include the soccer fields and aquatics center.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached rezoning ordinance zoning the parcels as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance
- Exhibit showing Annexation Area

**ORDINANCE NO. \_\_\_\_\_, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 18.85 ACRES, FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO GENERAL COMMERCIAL CG, FOR APNS 817-12-006 & 009 FOR APPLICATION ZA 05-33: CITY OF MORGAN HILL-CONDIT & MURPHY**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Establish a General Commercial pre-zoning designation for 18.85 acres of land located on the north side of San Pedro Ave., east of Condit Rd. and west of Murphy Ave. The General Commercial CG, zoning designation shall become effective upon annexation to the City of Morgan Hill.

**SECTION 2. USE OF GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT.** The City Council hereby finds: CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed zoning amendments and annexations that are included in the city's Islands Annexation Project, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Annexation and zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments and annexations are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives into the Island Annexations Project. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments and annexations that are part of the Islands Annexation Project.

**SECTION 3. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Exhibit A" being part of Ordinance No. \_\_\_\_\_, New Series, which gives the boundaries of the described parcels of Land.

**SECTION 4. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 5. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

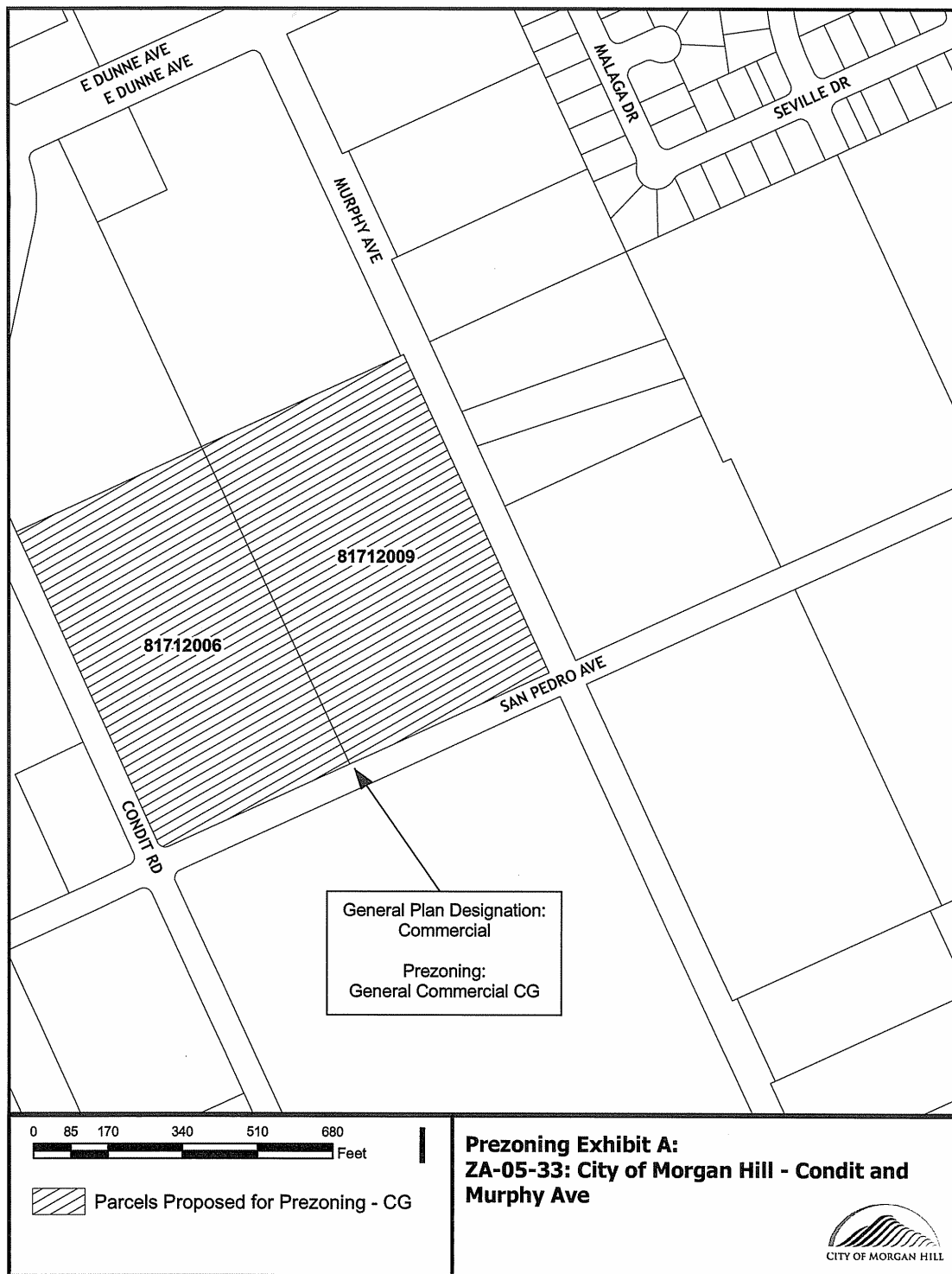
**∞ CERTIFICATE OF THE CITY CLERK ∞**

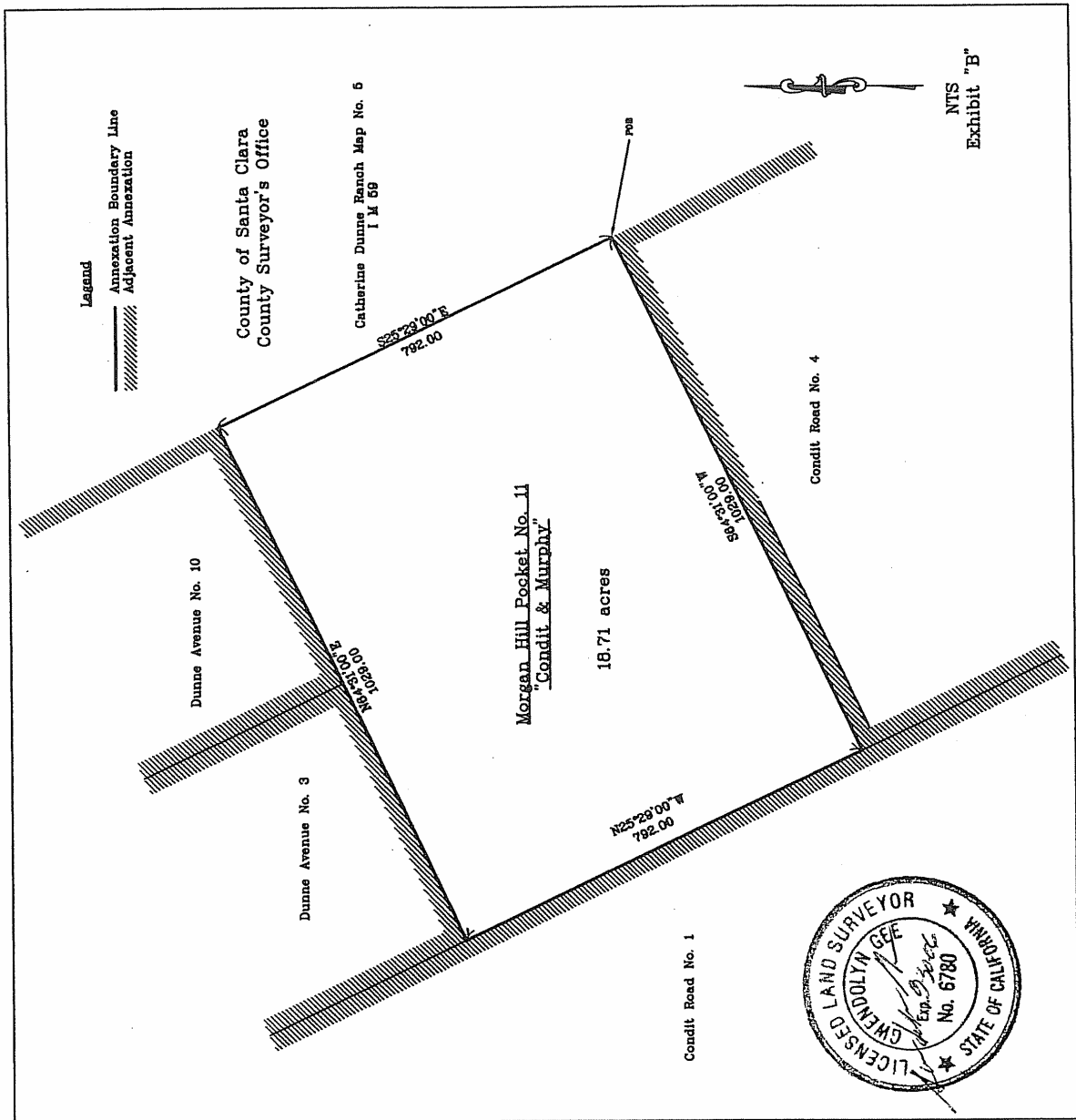
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE:\_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





## **ISLAND #12      ANX-05-12; ZA-05-34: Dewitt**

Island #12 is a 2.00-acre parcel located at 16775 Dewitt Avenue, which is already developed with a residential use. The parcel is already rezoned to the “Single Family R-1-12,000” with “Residential Planned Development zoning overlay” classification consistent with the existing city General Plan designation of Single Family Low 1-3 units per acre.

### **DISCUSSION**

In January 2004, consistent with the city’s General Plan land use designation of “Single Family Low 1-3 dwelling units per acre”, this property along with 3 adjacent properties to the north were pre-zoned to the “R-1-12,000 – Single Family Low Density/Residential Planned Development” zoning district. The other three parcels were approved for a subdivision, were annexed, and are developing. This last parcel was included in the RPD, and showed a potential development of 3 lots (see attached exhibit)

Without the RPD, the 12,000 sf minimum lot size applied to this 2-acre lot could allow for up to 7 units on the property, assuming other zoning and subdivision requirements are met. The parcel contains slopes and other constraints, so 7 lots may not be achievable, but now that city codes do not require each lot to have street frontage, more than 3 could be possible.

Originally, staff had recommended a zoning amendment in order to remove the “RPD” overlay. However, the Planning Commission recommended retaining the RPD in order to preserve the 3-unit configuration.

No zoning action is recommended at this time.

### **RECOMMENDATION**

The Planning Commission recommends that the City Council take no zoning action at this time, which preserves the existing R-1-12,000/RPD zoning of the parcel. The Planning Commission also recommends that the Council include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Exhibit which shows the existing RPD 3-unit rezoning of the parcel
- Exhibit showing Annexation Area



## **ISLAND #13      ANX-05-13; ZA-05-23: Tennant & Railroad**

Island #13 is a 2.87-acre area containing 2 parcels located at Tennant and the UPRR tracks. The zoning amendment consists of rezoning APN 817-06-053 to the “ML Light Industrial” zoning district, consistent with the existing city General Plan designation of Industrial; and rezoning APN 817-06-054 to the “PF Public Facilities” zoning district, consistent with its use as a transportation facility.

### **DISCUSSION**

Characteristics for each of the parcels proposed to be rezoned are as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
817-06-053	ML Light Industrial	67,954 sf	Vacant
817-06-054	PF Public Facilities	55,320 sf	Rail Transportation Corridor

It should be noted that the UPRR corridor has no urban land use designation on the General Plan Land Use Map; it is shown as a transportation corridor. However, since the land has an Assessor’s Parcel Number, it is proposed to zone the parcel to Public Facilities. Other portions of the UPRR corridor are also parcels, which are not presently zoned with any zoning classification. If the City Council agrees that such parcels should have a zoning, then the PF district is appropriate and would set a direction for eventually applying the PF zoning classification to other parcels that are included within the UPRR corridor.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached rezoning ordinance zoning the parcels as proposed above, include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance
- Exhibit showing Annexation Area

**ORDINANCE NO.           , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MORGAN HILL PRE-ZONING 1.56 ACRES, FROM COUNTY  
AGRICULTURAL A-20A TO LIGHT INDUSTRIAL ML, AND  
1.17 ACRES TO PUBLIC FACILITIES PF, FOR APNS 817-06-  
053 & 054 FOR APPLICATION ZA-05-23: CITY OF MORGAN  
HILL-TENNANT AND RAILROAD**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS  
FOLLOWS:**

- SECTION 1.** Establish a Light Industrial ML pre-zoning designation for 1.56 acres of land located on the south side of Tennant Ave., adjacent to the east side of the Union Pacific Railroad. The Light Industrial ML, zoning designation shall become affective upon annexation to the City of Morgan Hill.
- SECTION 2.** Establish a Public Facility pre-zoning designation for 1.17 acres of land located on the south side of Tennant Ave., adjacent to the west side of Railroad Ave. and containing the Union Pacific Railroad tracks. The Public Facility PF, zoning designation shall become affective upon annexation to the City of Morgan Hill.
- SECTION 3.** An environmental initial study has been prepared for the proposed amendment and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A Negative Declaration will be filed.
- SECTION 4. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled “Exhibit A” Map Showing Pre-zoning           being a Part of Ordinance No.           , New Series, which gives the boundaries of the described parcels of Land.
- SECTION 5. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.
- SECTION 6. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 7. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

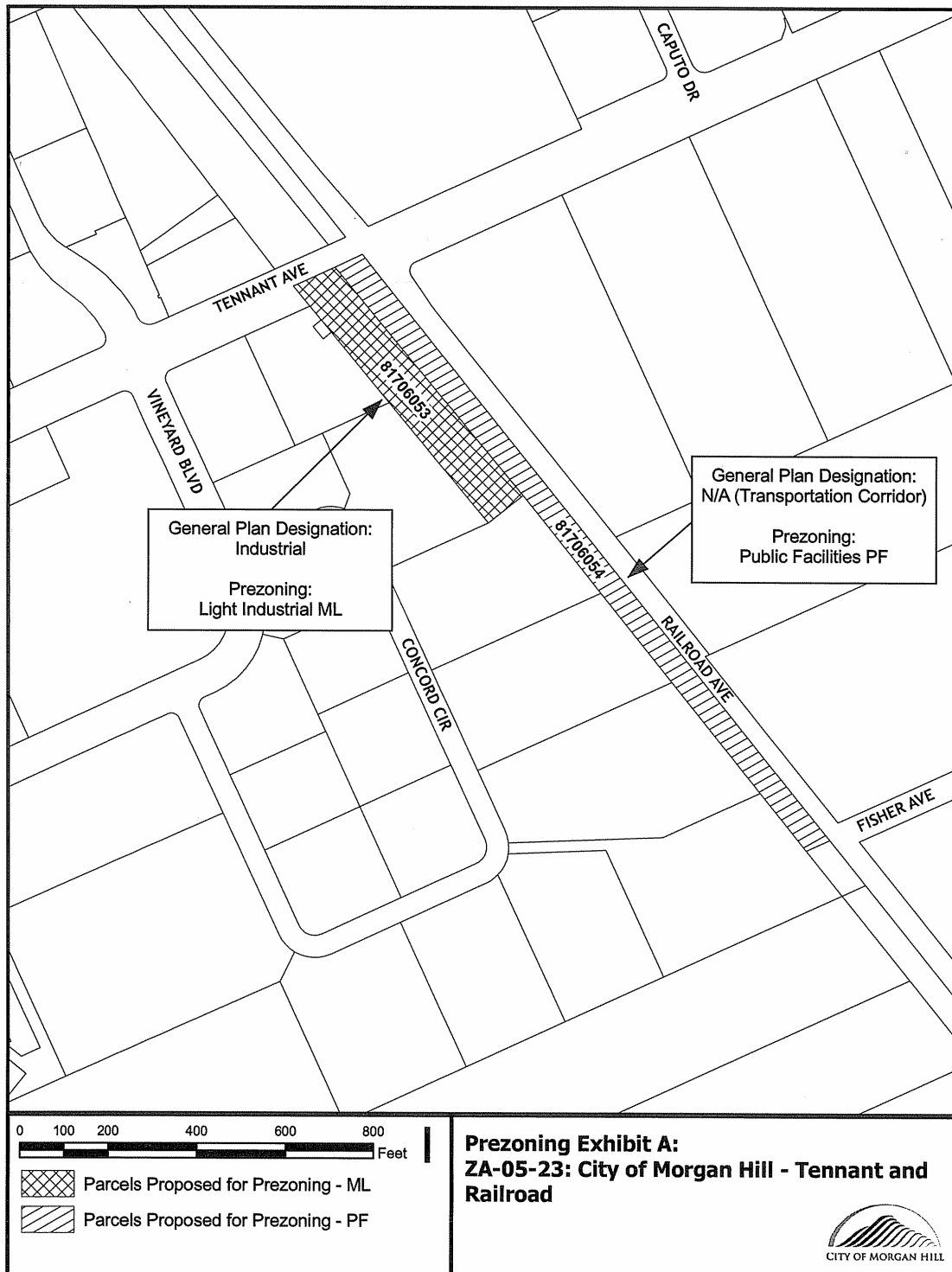
**⌘ CERTIFICATE OF THE CITY CLERK ⌘**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





## **ISLAND #14      ANX-05-14; ZA-05-24: Monterey Road**

Island #14 is a 20.26-acre area containing 3 parcels located along Monterey Road near the terminus of Watsonville Road. The parcels have already been rezoned “Planned Unit Development–Light Industrial” (PUD-ML).

### **DISCUSSION**

The two large parcels are currently vacant; the smallest parcel is in residential use. Upon annexation, the legal nonconforming residential may continue but may not intensify. Any required code compliance would be carried out by city staff after annexation, in response to complaints or knowledge of life-safety issues.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENT**

- Exhibit showing Annexation Area

## **ISLAND #16      ANX-05-16: Diana & Jasmine**

Island #16 is a 19.04-acre area containing 2 parcels, which are already appropriately rezoned as R-1-12,000/Residential Planned Development Overlay. This is consistent with the existing city General Plan designation of Single Family Low 1-3 units per acre.

### **DISCUSSION**

The current land use is residential on each of the two parcels; staff is now aware of any objection to annexation.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENT**

- Exhibit showing Annexation Area

## **ISLAND #17      ANX-05-17; ZA-05-35: W. Edmundson & Piazza**

Island #17 is a 12.64-acre annexation area containing 4 parcels located along West Edmundson at Piazza. The zoning amendment consists of changing the existing prezoning for APN 767-21-045 to remove the RPD overlay, such that the change is from R-2 (3,500)/RPD to a prezoning of “Multi Family R-2 (3,500)” zoning district, consistent with the existing city General Plan designation of “Multi-Family Low 5-14 du/acre”. The 3 other parcels are already pre-zoned to the “Single Family Medium Density (R-1-9,000)/Residential Planned Unit Development (RPD)” district, consistent with the Single Family Medium 3-5 units per acre General Plan designation.

### **DISCUSSION**

Characteristics for the parcel proposed to be rezoned is as follows:

<b>APN</b>	<b>PROPOSED ZONING</b>	<b>EXISTING LOT SIZE</b>	<b>EXISTING LAND USE</b>
767-21-045	Multi-Family R-2(3,500)	100,188 sf	Residential

In May 2001 three of these parcels (-013, -014, -015) were pre-zoned to the “Single Family Medium Density (R-1-9,000)/Residential Planned Unit Development (RPD)” district consistent with the R-1-9,000 classification (the minimum lot size is 9,000 square feet). Parcel 767-21-045 was prezoned to R-2 (3,500)/RPD, consistent with it’s existing General Plan land use designation of “Multi-Family Low 5-14 du/acre”. At that time in 2001, the Pinn Brothers were attempting to subdivide the property along with 3 adjacent properties, to a Residential Planned Development. That developer subsequently abandoned that effort.

Staff had originally recommended that the RPD overlay also be removed from the other 3 parcels (APNs 767-21-013, -014 and -015), so that the parcels were “re-prezoned” to the “Single Family R-1-9,000” zoning district, consistent with the existing city General Plan designation of Single Family Medium -3 units per acre. However, the Planning Commission recommended that the RPD overlay remain over those three parcels, and staff does not object.

### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council introduce the attached prezoning ordinance to remove the RPD overlay from APN 767-21-045 as proposed above, and include island within Resolution to be adopted to initiate annexation pursuant to Government Code Section 56375.3.

### **ATTACHMENTS**

- Rezoning Ordinance to remove RPD Overlay from APN 767-21-045, prezoned R-2 (3,500)
- Ordinance No. 1504, which prezoned the parcels to R-1-9,000/RPD (which will remain on the other 3 parcels)
- Exhibit showing Annexation Area



**ORDINANCE NO.           , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO REZONE A SINGLE 2.30 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF WEST EDMUNDSON AVENUE, ACROSS THE STREET FROM COMMUNITY PARK FROM MULTI-FAMILY LOW R-2 3,500 RESIDENTIAL PLANNED DEVELOPMENT TO MULTI-FAMILY MEDIUM R-2 3,500.**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The Council hereby re-designates 2.30 acres from Multi-Family R-2 3,500 Residential Planned Development to Multi-Family R-2 3,500. The zoning classification shall become effective upon annexation to the City of Morgan Hill.

**SECTION 2. USE OF GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT.** The City Council hereby finds: CEQA Section 21157.1 allows for use of a Master EIR (MEIR) for subsequent projects if it can be determined that the subsequent projects were described as being within the scope of the MEIR, the City was the lead agency, and an Initial Study is prepared to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the MEIR. An Expanded Initial Study has been prepared for the proposed zoning amendments and annexations that are included in the city's Islands Annexation Project, and it documents that the GP MEIR was prepared in accordance with the requirements of Section 21157 of the Public Resources Code (CEQA), with the intention of providing for substantial reduction of the environmental review of subsequent projects that are consistent with the General Plan. Annexation and zoning activities consistent with the General Plan, and carried out in accordance with applicable regulations and procedures, were specifically identified as the type of subsequent projects and implementation tools that were declared to be within the scope of the GP MEIR. The zoning amendments and annexations are consistent with the city's General Plan and the GP Master EIR will be used, and no further EIR or Negative Declaration is required. The Expanded Initial Study documents the determination that it is not necessary or feasible to incorporate any of the General Plan MEIR mitigation measures or other alternatives into the Island Annexations Project. In accordance with CEQA, public notice was provided of the city's intent to use the GP MEIR for the zoning amendments and annexations that are part of the Islands Annexation Project.

**SECTION 3. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Exhibit A" Map Showing the rezoning being a part of Ordinance No.           , New Series, which gives the boundaries of the described parcels of Land.

**SECTION 4. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein

described is compatible with the goals, objectives, policies and land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.010 of the Morgan Hill Municipal Code.

**SECTION 5. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6. Effective Date Publication.** This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the special meeting of the City Council of the City of Morgan Hill held on the 12<sup>th</sup> Day of April 2006, and was finally adopted at a regular meeting of said Council on the Day of May 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

∞ **CERTIFICATE OF THE CITY CLERK** ∞

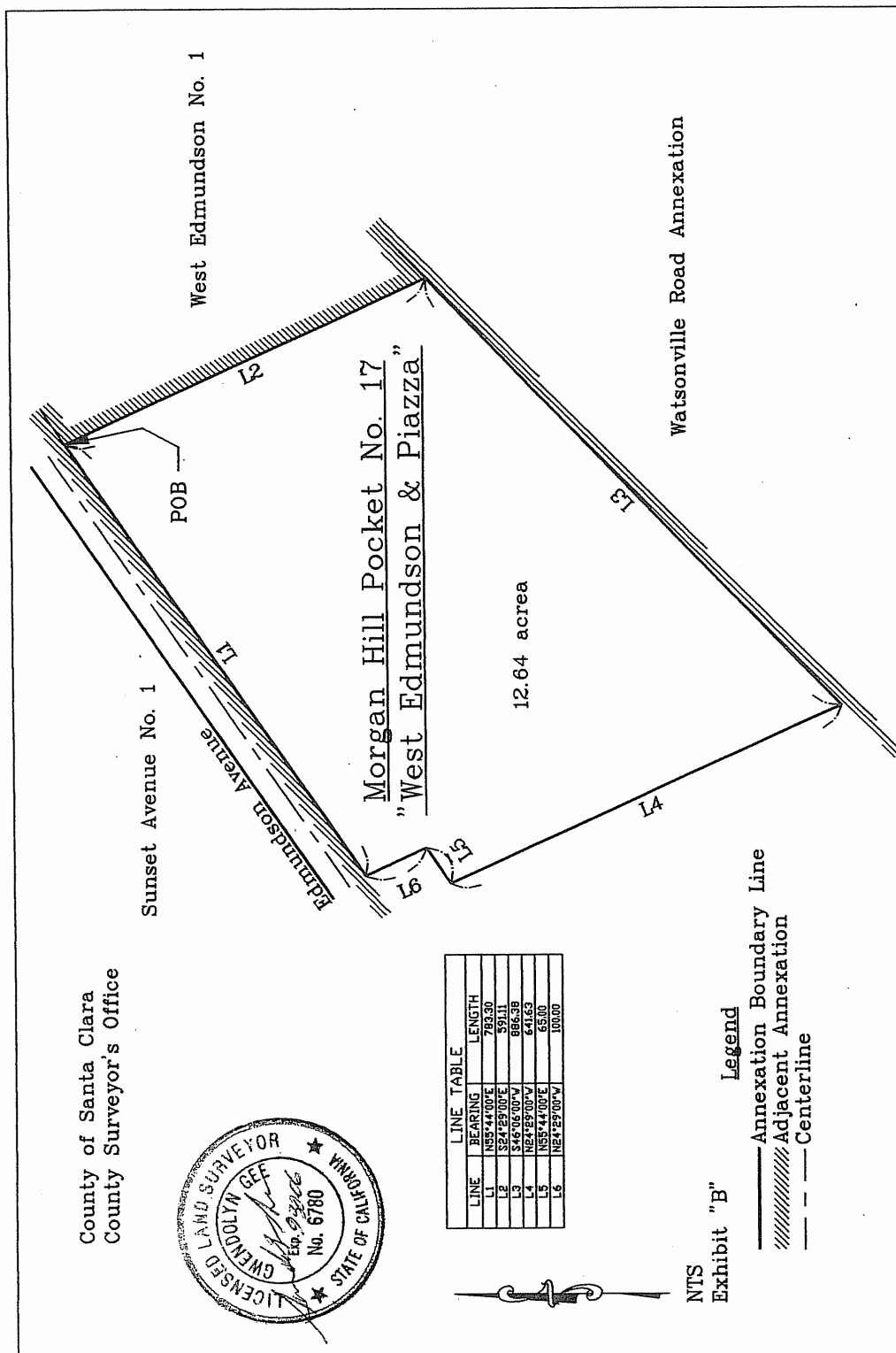
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of May 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE:\_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL INITIATING ANNEXATION OF UNINCORPORATED ISLANDS**

**WHEREAS**, at the request of the Santa Clara County Local Agency Formation Commission (LAFCO) and the County of Santa Clara (County), the City Council of the City of Morgan Hill agreed in August 2005 to pursue annexation of unincorporated islands that had been identified by LAFCO and the County; and

**WHEREAS**, Government Code Section 56375.3 (a) provides the City Council may after notice and hearing, approve of the annexations without holding a protest hearing if the annexations are initiated prior to January 2007, and are consistent with the island annexation provisions contained in Government Code Section 56375.3 (b).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:**

**SECTION 1:** That the City Council is the conducting authority pursuant to Section 56375 of the Government Code for the annexation of the fifteen unincorporated islands that are generally shown on the attached Exhibit A (Island Numbers 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17).

**SECTION 2:** That pre-zonings for each of the parcels included within the unincorporated islands have either already been adopted or are being adopted concurrent with the annexation process; none of the islands include Williamson Act lands; and CEQA compliance has been achieved for the pre-zonings and annexations, which are being carried out consistent with and as anticipated by the General Plan.

**SECTION 3:** The City Council hereby initiates annexation of the fifteen islands generally shown on Exhibit A pursuant to Government Code Section 56375.3. The second City Council public hearing for considering adoption of resolution(s) approving annexation of these unincorporated islands is hereby set for May 24, 2006. The final annexation resolution(s) will contain the legal description and boundary maps for each island, which will be more precise than the general depiction shown by Exhibit A attached hereto.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Special Meeting held on the 12<sup>th</sup> Day of April, 2006 by the following vote.

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>

**🏛️ CERTIFICATION 🏛️**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City Council at a Regular Meeting held on April 12, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**